

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED REALTY ADVISORS, LP, et al.,

Plaintiffs,

Civil Action No. 14-CV-5903

Civil Action No. 14-CV-8084

vs.

HON. BERNARD A. FRIEDMAN

ELI VERSCHLEISER, et al.,

Defendants.

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**ORDER DENYING DEFENDANT’S MOTION FOR ADITONAL DISCOVERY**

This matter is presently before the Court on defendant Eli Verschleiser’s motion for additional discovery and/or sanctions. (ECF Nos. 517, 518). Defendant contends that “certain files and data had been deleted from [plaintiff Jacob] Frydman’s equipment during sometime in 2016, when Mr. Frydman was transitioning files and data onto a new server.” (ECF No. 518, 3). Defendant asserts that many of the missing documents are relevant to issues “at the heart of this matter,” yet plaintiffs failed to take any action to preserve the material and have refused to respond to defendant’s inquiries or produce any of the requested documents. (*Id.* at 3, 7-11).

This lawsuit has been ongoing for over seven years, the discovery deadline has long since passed, and the case is ready to be tried. As the Court communicated to the parties in an October 29, 2021, email (attached below as Ex. 1), the ongoing health crisis and consequent procedures in place in the Southern District of New York have delayed resolution of this matter. The Court hopes to set a trial date during the second quarter of 2022. Although the Court will not re-open discovery at this advanced stage of litigation, defendant may raise the concerns expressed in the instant motion at trial and the Court will take appropriate action at that time. If any party to this lawsuit has fai

s/Bernard A. Friedman

BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE  
SITTING BY SPECIAL DESIGNATION

Dated: October 9, 2019 January 7, 2022  
Detroit, Michigan

led in their duty to provide the discovery that is required pursuant to this Court's orders, Court rules, case law, or statute, the Court will exercise its discretion to order warranted relief or sanctions. Accordingly,

IT IS ORDERED that defendant Eli Verschleiser's motion for additional discovery and/or sanctions is denied.

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE  
SITTING BY SPECIAL DESIGNATION

Dated: January 7, 2022  
Detroit, Michigan

**Exhibit 1**

Good morning:

Plaintiffs' counsel has asked the Court to provide an update regarding the consolidated cases of United Realty Advisors, et al. v. Verschleiser, et al. (14-CV-5903) and Frydman v. Verschleiser, et al. (14-CV-8084). I recently spoke with Rigoberto Landers, the Director of Judicial Services at the United States District Court for the Southern District of New York, who provided an updated timeline for the pending trial in this matter. At present, the Southern District of New York is functioning at partial capacity due to the COVID-19 pandemic and is prioritizing criminal trials over civil ones. Judge Friedman hopes to schedule the trial in this matter during the second quarter of 2022, but, given the ongoing health crisis and consequent procedures in place in the Southern District of New York, it is unclear whether we will be able to go to trial at that time. Because of the age of this case, it is a high priority for us and we would like to get it tried as soon as we are able.

I will be in touch once we have more information regarding trial dates in 2022. Please feel free to contact me if you have any questions or concerns in the interim. Judge Friedman has requested that you submit a proposed final pretrial order within the next thirty days.

Respectfully,

Rachel Davidson-Raycraft  
Law Clerk to the Hon. Bernard A. Friedman  
U.S. District Court for the Eastern District of Michigan